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6 **UNITED STATES DISTRICT COURT**  
7 **DISTRICT OF NEVADA**  
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9 LINDOLFO THIBES,

10 Petitioner,

11 vs.

12 ROBERT LEGRAND, et al.,

13 Respondents.  
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Case No. 3:11-cv-00339-LRH-WGC

**ORDER**

15 The court dismissed this action because mail to petitioner had been returned. Order (#27).  
16 Petitioner has filed a motion for relief from order (#29), and respondents have filed a response  
17 indicating that they do not oppose the motion (#30). There is no need to wait for a reply from  
18 petitioner.

19 Respondents are correct. Although the copy of the returned envelope is obscured by writing  
20 from someone in the prison's mail room, it appears that the court sent its minute order (#26) to the  
21 wrong person. The parties agree that petitioner has not been paroled and that petitioner has not  
22 moved from the Lovelock Correctional Center.

23 IT IS THEREFORE ORDERED that petitioner's motion for relief from order (#29) is  
24 **GRANTED**. The order (#27) and judgment (#28) dismissing this action are **VACATED**, and this  
25 action is **REINSTATED**.

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1 IT IS FURTHER ORDERED that the motion to dismiss (#16) is **REINSTATED**. The  
2 motion to dismiss is fully briefed, and no further briefing on the motion to dismiss is permitted.

3 DATED this 29th day of November, 2012.



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6 LARRY R. HICKS  
UNITED STATES DISTRICT JUDGE  
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